REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 4, 14, 24, and 33 are cancelled, and claims 37-49 are added. Claims 1-3, 5-13, 15-23, and 25-36 remain in this application as amended herein. Accordingly, claims 1-3, 5-13, 15-23, 25-32 and 34-49 are submitted for Examiner's reconsideration.

In the Office Action, the disclosure was objected to because of a typographic informality. The specification has now been amended to correct the informality as well as to correct other minor grammatical and typographic errors.

Claim 1 was objected to because of an informality in the use of the term "said". The claim has been amended accordingly.

Turning now to the art rejections, the Examiner rejected claims 1, 11, 21, and 31 under 35 U.S.C. § 102(b) as being anticipated by Dunn (U.S. Patent No. 5,721,829). Claims 1, 11, 21, and 31 have now been amended to include the limitations previously set forth in cancelled claims 4, 14, 24, and 33, respectively, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of Abecassis (U.S. Application Publication No. 2001/0041053 A1). It is submitted, however, that the claims are patentably distinguishable over the cited references.

The Dunn patent is directed to an interactive television (ITV) system in which a centralized headend is connected via a network to a set top box and a television set that are located in a subscriber home. The headend includes a continuous media server (CMS) that stores programs and program previews in independent data files and stores monikers that are used for locating the data files, a database server that stores programming information about each program and preview, and a

video content playing unit that locates and retrieves desired programs from the CMS. When a user tunes to a video on demand (VOD) channel, the set top box downloads a preview browse user interface from the headend for display on a television screen so that the user can select and view one or more previews. When the user wishes to order a program, the user *actuates an icon on the interface screen* which causes the set top box to send a descriptor, such as the ID or the moniker of the program, to the headend. The descriptor is then used by the headend to access and retrieve the ordered program which is then transmitted to the set top box for display on the user's television screen. (*See* Figs. 1, 3, 4; col. 2, lines 40-60; col. 3, lines 43-55; col. 4, lines 8-9 and 36-46; col. 5, lines 8-40; and col. 7, lines 20-42.) Dunn thus describes *selecting* a program by *actuating an order icon* on the preview browse user interface. The patent does not disclose or suggest a user request in *a free style text format* (as acknowledged by the Examiner), does not disclose or suggest a distribution request *e-mail message* and does not disclose or suggest *converting a user request* into a distribution request *e-mail message*. Further, Dunn does not disclose or suggest *sending* such a distribution request *e-mail message* to a transmitter.

The Abecassis publication describes the delivery of viewer-selected, content-on-demand video programs. The programs are automatically customized before delivery based on the viewer's preference levels of explicitness or detail in various categories. The user selects the content-on-demand video program by making a selection on a program selection screen, specifying a title or code, by using a tree structure, or by providing keywords for a keyword search and retrieval. (*See* Figs. 4A-4G and 10A; and ¶¶ [0014], [0019], [0163]-[0179], [0311]-[0312] and [0315].) Abecassis does not disclose or

suggest a distribution request *e-mail message* and does not disclose or suggest *converting a user request* into a distribution request *e-mail message*. Moreover, Abecassis does not disclose or suggest *sending* a distribution request *e-mail message* to a transmitter.

Additionally, none of the other references cited by the Examiner describes e-mail messaging except for the Sartain patent. Sartain, however, describes a video system wherein subscribers view the names of available video programs on a television screen and then order a video program by providing voice or touch tone responses over a telephone connection or by responding to prompts on the subscriber's television screen. Alternatively, the subscribers may provide an identification number and a credit card number to *an accounting service* via an Internet company, via an e-mail address or via a web page. (*See* Figs. 1, 2, and 5; col. 2, lines 38-48; col. 4, lines 9-17; and col. 9, line 42 to col. 10, line 26.) Sartain therefore merely describes sending *a program identification number* via an e-mail address and does not disclose or suggest a user request *in a free style text format*, does not disclose or suggest *converting such a user request* into a distribution request e-mail message, and does not disclose or suggest *sending* such a distribution request e-mail message.

Moreover, the patent describes sending the program identification number to *an accounting service* that, in turn, sends the program identification number to the office that provides the programs. Sartain does not disclose or suggest sending a distribution request e-mail message to a *transmitter*.

None of the cited references suggests:

> said receiver being operable to accept a user request for a desired program, the user request being in a free style text format, to convert the user request into a distribution request e-mail message that includes the user

> request, and to send the distribution request e-mail message to said transmitter

as called for in claim 1.

It follows that the cited references, whether taken alone or in combination, do not disclose or suggest the combination called for in claim 1.

Claim 11 is directed to a method of distributing programs and similarly calls for:

> receiving a distribution request e-mail message from a receiver, the distribution request e-mail message including a user request for a desired program, the user request being in a free style text format[.]

For the reasons set out above, none of the cited references discloses or suggests such a distribution request e-mail message and none of the cited references discloses or suggests *receiving* such a distribution request e-mail message. Claim 11 is therefore distinguishable over the references at least for the same reasons.

Claim 21 defines a transmitter that includes:

> a distribution controller operable to receive the distribution request e-mail message from a receiver, the distribution request e-mail message including a user request for a desired program, the user request being in a free style text format, and to read out the requested program from said distributable program storing unit when the requested program is one of the stored plurality of distributable programs[.]

Therefore, claim 21 is also distinguishable over the references for at least the reasons recited above regarding claims 1 and 11.

Claim 31 is directed to a receiver that includes a controller having limitations similar to those of the receiver defined in claim 1. Therefore, claim 31 is distinguishable over the references at least for the same reasons.

The Examiner also rejected claims 2, 6, 8, 12, 16, 18, 22, 26, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of Abecassis and Yurt (U.S. Patent No. 5,550,863). However, it is submitted that the claims are patentably distinguishable over the references.

Claims 2, 6, and 8 depend from claim 1, claims 12, 16, and 18 depend from claim 11, and claims 22, 26, and 28 depend from claim 21. Therefore, each of these claims is distinguishable over Dunn and Abecassis at least for the same reasons. Additionally, as acknowledged by the Examiner, neither Dunn nor Abecassis discloses the limitations set out in claims 2, 6, 8, 12, 16, 18, 22, 26, and 28.

The Yurt patent does not remedy the deficiencies of Dunn and Abecassis. Yurt relates to an audio and video transmission and receiving system in which the user controls the access and playback of selected material. A transmission system includes a source material library that stores items of source material and includes an identification encoder that gives a unique identification code to each item and that maps the name of each item to its address. The user accesses an item by *entering the identification code, title or other known facts of the item*, and the transmission system then sends a confirmation of the selection. The user then indicates whether the confirmation is correct, and if so, enters a desired delivery time and location. (*See* Figs. 2a-2b, 3, and 5; col. 6, lines 5-48; col. 10, lines 52-56; col. 11, lines 1-7; and col. 13, lines 55-65.) Yurt does not suggest transmitting an *answer e-mail message* in response to a distribution request e-mail message, as defined in claims 6, 16, and 26. Moreover, Yurt does not suggest transmitting a *confirmation e-mail message* in response to the answer e-mail message, as defined in claims 8, 18, and 28.

Additionally, the Examiner rejected claims 3, 13, 23, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of Sartain (U.S. Patent No. 5,914,712). It is submitted, however, that the claims are patentably distinguishable over the references.

Claim 3 depends from claim 1, claim 13 depends from claim 11, claim 23 depends from claim 21, and claim 32 depends from claim 31. Therefore, each of claims 3, 13, 23, and 32 are distinguishable over Dunn at least for the same reasons.

The Sartain patent, as described above, does not remedy the deficiencies of Dunn. Moreover, Sartain does not suggest including *a predetermined expression* in a distribution request e-mail message, as called for in claims 3, 13, 23, and 32.

The Examiner also rejected claims 5, 7, 15, 17, 25, 27, 34, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of Yurt. However, it is submitted that the claims are patentably distinguishable over the references.

Claims 5 and 7 depend from claim 1, claims 15 and 17 depend from claim 11, claims 25 and 27 depend from claim 21, and claims 34 and 35 depend from claim 31. The claims are therefore distinguishable over Dunn at least for the same reasons.

As described above, Yurt does not suggest transmitting *an answer e-mail message* in response to a distribution request e-mail message. Therefore, Yurt does not suggest the limitations called for in claims 5, 15, 25, and 34. Also, as set out above, Yurt does not suggest transmitting *a confirmation e-mail message* in response to an answer e-mail message. Thus, the patent does not suggest the limitations recited in claims 7, 17, 27, and 35.

As described previously regarding the rejection of claims 1, 11, 21, and 31, the Examiner also rejected claims 4,

14, 24, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of Abecassis. Claims 4, 14, 24, and 34 are cancelled.

In addition, Claims 9, 19, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunn and Yurt, as applied to claims 5, 15, and 25, and further in view of Lawler (U.S. Patent No. 5,805,763). However, it is submitted that the claims are patentably distinguishable over the references.

Claim 9 depends from claim 5, claim 19 depends from claim 15, and claim 29 depends from claim 25. Therefore, claims 9, 19, and 29 are each distinguishable over Dunn and Yurt at least for reason described above regarding claims 5, 15, and 25.

The Lawler patent describes an interactive viewing system in which a user selects programs for display or for future recording *from a menu provided on a display screen.* (*See* Figs. 3, 5-6, and 8-10; col. 7, lines 20-43; col. 8, lines 12-17; col. 11, lines 23-31; and col. 12, lines 28-43.) Thus, Lawler does not remedy the deficiencies of Dunn or Yurt.

Also, the Examiner rejected claims 10, 20, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Dunn, Abecassis, and Yurt, as applied to claims 6, 16, and 26, and further in view of Lawler. It is submitted, however, that the claims are patentably distinguishable over the art.

Claim 10 depends from claim 6, claim 20 depends from claim 16, and claim 30 depends from claim 26. Therefore, each of claims 10, 20, and 30 are distinguishable over Dunn, Abecassis, and Yurt at least for the same reasons. Moreover, as described above, Lawler does not remedy the deficiencies of these references.

Finally, the Examiner rejected claim 36 under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of

Lawler. However, it is submitted that the claim is patentably distinguishable over the references.

Claim 36 depends from claim 31 and is therefore distinguishable over Dunn at least for the same reasons. Additionally, Lawler does not remedy the deficiencies of Dunn for the reasons set out above.

Accordingly, the withdrawal of the rejections under 35 U.S.C. § 102 and § 103 is respectfully requested.

New claim 37 is directed to a method of receiving programs that includes limitations similar to those set out in claim 31. Claim 37 is therefore patentably distinguishable over the references at least for the same reasons.

New claims 38-41 and 49 depend from claim 37. Claims 38-41 also include limitations similar to those set out in claims 32 and 34-36, respectively. Therefore, the claims are patentably distinguishable over the references at least for the same reasons.

New claims 42-43 depend from claim 1, new claims 44-45 depend from claim 11, new claims 46-47 depend from claim 21, and new claim 48 depends from claim 36. Therefore, each of claims 42-48 is distinguishable over the references at least for the same reasons. Support for these claims is found, e.g., in Fig. 5 and in paragraph [0038] of the specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By _____

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